

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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JERRY BABCOCK,

Plaintiff,

DECISION AND ORDER

02-CV-6540L

v.

JOANNE B. BARNHART,

Defendant.

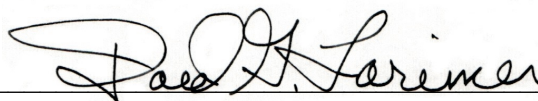
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By letter dated February 7, 2005, received in chambers on March 9, 2006, plaintiff's counsel requests that the action be discontinued. It appears that the "February 7, 2005" address is a typographical error since the envelope containing the letter was postmarked March 8, 2006. I direct that this letter be filed as a motion by plaintiff to discontinue the action.

In the letter, counsel for plaintiff advised that he recently learned that plaintiff died on September 7, 2004, and that his mother did not wish to proceed with the application for Social Security Disability Benefits.

Therefore, based on this suggestion of death and the application of plaintiff's counsel and the request of plaintiff's survivors, the complaint in this action is dismissed.

IT IS SO ORDERED.



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DAVID G. LARIMER  
United States District Judge

Dated: Rochester, New York  
March 10, 2006.

